

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 11479
RICK MULA
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Rick_Mula@fd.org

6 Attorney for Alberto Caldera
7

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.

14 ALBERTO CALDERA,
15

Defendant.

Case No. 2:24-mj-00004-EJY

**STIPULATION TO EXCLUDE
CERTAIN DELAY FROM
COMPUTING THE TIME WITHIN
WHICH TRIAL MUST COMMENCE**

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Steven Rose, Assistant United States Attorney, counsel for the
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Rick Mula,
20 Assistant Federal Public Defender, counsel for Alberto Caldera, that the delay resulting from
21 Mr. Caldera's medical care and temporary releases pursuant to 18 U.S.C. § 3142(i)(4) is
22 excludable from computing the time within which trial must commence in Eastern District of
23 California Case No. 1:23-cr-223-JTL-SKO. The parties compute this time as follows, beginning
24 on January 3, 2024, and ending on February 16, 2024.

25 This Stipulation is entered into for the following reasons:

26 1. Mr. Caldera made initial appearances in the District of Nevada on January 3,
2024, on a Petition for Offender Under Supervision (Case No. 2:21-cr-227-JAD-EJY) and an

1 Indictment out of the Eastern District of California (Case No. 1:23-cr-223-JTL-SKO). *See*
2 *United States v. Sealed*, 2:24-mj-00004-EJY, ECF No. 12 (D. Nev. Jan 3, 2024).

3 2. Mr. Caldera submitted to detention, but the Court granted temporary release
4 under 18 U.S.C. § 3142(i)(4) so that Mr. Caldera could undergo a medical surgery on January
5 5, 2024. *Id.*

6 3. The surgery scheduled for January 5, 2024, did not take place, was rescheduled
7 for January 26, 2024, and Mr. Caldera self-surrendered on January 8, 2024. *United States v.*
8 *Sealed*, 2:24-mj-00004-EJY, ECF No. 14 (D. Nev. Jan 8, 2024).

9 4. The Court ordered a series of temporary releases to accommodate rescheduled
10 medical appointments and surgery, specifically for appointments on January 19, January 26,
11 and February 15, 2024. *United States v. Sealed*, 2:24-mj-00004-EJY, ECF No. 15 (D. Nev. Jan
12 8, 2024).

13 5. The parties' understanding is that these medical appointments are necessary, and
14 Mr. Caldera needs to be present in Nevada to attend these appointments.

15 6. The parties agree that the delay resulting from his medical care constitutes
16 "delay resulting from transportation of any defendant from another district, or to and from
17 places of examination or hospitalization" under 18 U.S.C. § 3161(h)(1)(F) and that such delay
18 "shall be excluded in computing the time within which an information or an indictment must
19 be filed, or in computing the time within which the trial of any such offense must commence"
20 18 U.S.C. § 3161(h).

DATED this 12th day of January, 2024.

STEVEN ROSE
Assistant United States Attorney